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UNITED STATES OF AMERICA,)	
)	
v.)	Case No. 1:18-cr-410
)	
)	
SEITU SULAYMAN KOKAYI,)	Hearing Date: 1/4/19
)	
Defendant.)	The Honorable Leonie M. Brinkema
)	

COMES NOW, Defendant, Seitu Sulayman Kokayi (hereinafter "Mr. Kokayi"), by counsel, and opposes the Government's Motion for (1) Sufficient Time To Respond To FISA-Related Motion And (2) Modification Of Trial Schedule. In support thereof, counsel states as follows, upon information and belief:

2. Mr. Kokayi then appeared in The United States Magistrates Court for a detention hearing on August 24, 2018, at which proceeding he was denied release. On that same day, prior to the Detention Hearing, the government provided Mr. Kokayi with notice of its intent to use FISA derived evidence.

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3. On November 8, 2018, Mr. Kokayi was indicted on two counts of Coercion and Enticement of a Minor, in violation of 18 U.S.C. §2422(b), and one count of Transfer of Obscene Material to a Minor, in violation of 18 U.S.C. §1470.

4. On November 9, 2018 (a day after the Indictment), the government again provided Mr. Kokayi with notice of its intent to use FISA derived evidence.

5. Mr. Kokayi was arraigned herein on November 16, 2018. At that proceeding, Mr. Kokayi requested a trial date outside the Speedy Trial time period, which ended on or about January 25, 2019. Due to co-counsel's schedule, Mr. Kokayi waived his Speedy Trial rights for the purpose of a brief 11-day extension.

5. On December 17, 2018, Mr. Kokayi filed a motion to suppress any and all information obtained pursuant to FISA surveillance.

6. Upon information and belief, Mr. Kokayi, who is a United States citizen, and who has resided in the United States his entire life, has been under FISA surveillance for approximately (3) three years.

8. The Government now seeks 60 days to file a response to the motion filed by Mr. Kokayi. Pursuant to its motion, such a request would inherently require a continuance of the trial date in this matter until approximately March 12, 2019. This represents a date that is 35 days beyond the previously modified Speedy Trial time period.

9. Mr. Kokayi objects to the government's request. It is essentially a motion to continue this case, and trial, outside the Speedy trial time period.

10. Obviously, the FISA surveillance of Mr. Kokayi was initiated years ago. In bringing charges against Mr. Kokayi, the government was aware that the evidence against him was based on information and evidence obtained directly from that surveillance.

11. The government's initial FISA notice was provided on August 24, 2018. Later, on November 9, 2018, the government filed another such notice after the Indictment, and after it was clear there would be a trial scheduled. Given the purpose of providing such notices, at that point, the government would have anticipated that Mr. Kokayi would eventually challenge the Constitutionality of the FISA surveillance. Thus, the government could have been obtaining what they need to provide to the Court from that date. If the required sixty days had begun on November 9, 2018, the government would obtain what it needs by January 9, 2019. In such a case, there would be no reason for delay of the trial date to consider the FISA surveillance issue.

12. Accordingly, Mr. Kokayi objects to the government's motion.

WHEREFORE, for the foregoing reasons, the Court should deny the Government's Motion for (1) Sufficient Time To Respond To FISA-Related Motion And (2) Modification Of Trial Schedule.

Respectfully submitted,
SEITU SULAYMAN KOKAYI
By Counsel

_____/s/_____
Mark Petrovich
Va. Bar # 36255
Petrovich & Walsh, P.L.C.
10605 Judicial Drive, Suite A-5
Fairfax, Virginia 22030
(703) 934-9191 (tel)
(703) 934-1004 (fax)
mp@pw-lawfirm.com (email)

Anthony Nourse, Esquire
Va. Bar # 40335
4151 Chain Bridge Road
Fairfax, Virginia 22030
(703) 881-9161
(703) 881-9162 (fax)
ahn@fairfaxdefense.com

CERTIFICATE OF SERVICE

I hereby certify that on or before the 28th day of December, 2018, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Kellen S. Dwyer, Esquire
Dennis M. Fitzpatrick, Esquire
Assistant United States Attorney's Office
2100 Jamieson Avenue
Alexandria, Virginia 22314
phone: 703 299-3816
fax: 703 299-3981
Kellen.Dwyer@usdoj.gov
Dennis.Fitzpatrick@usdoj.gov

_____/s/_____
Mark Petrovich
Virginia Bar No. 36255
Counsel for the Defendant
PETROVICH & WALSH, P.L.C.
10605 Judicial Drive, Suite A-5
Fairfax, Virginia 22030
Phone: (703) 934-9191
Fax: (703) 934-1004
mp@pw-lawfirm.com